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| Post-It® Drafting Paper | |
| To: Ms. Carol Hanlon | From: Michael Murphy |
| Co. US DOE | Co. DEQ |
| Dept. | Phone # 804 698-4025 |
| Fax # 800-961-0739 | Fax # |

COMMONWEALTH of VIRGINIA

550812

James S. Gilmore, III
Governor

DEPARTMENT OF ENVIRONMENTAL QUALITY

Dennis H. Treacy
Director

Street address: 629 East Main Street, Richmond, Virginia 23219

Mailing address: P.O. Box 10009, Richmond, Virginia 23240

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September 20, 2001

(804) 698-4000
1-800-592-5482

John Paul Woodley, Jr.
Secretary of Natural Resources

Ms. Carol Hanlon
U.S. Department of Energy
Yucca Mountain Site Characterization Office (M/S #025)
P.O. Box 30307
North Las Vegas, Nevada 89036

SEP 21 2001

RE: Yucca Mountain Preliminary Site Suitability Evaluation
DEQ-01-160F

Dear Ms. Hanlon:

The Commonwealth of Virginia has completed its review of the Department of Energy's notice in the August 21, 2001 Federal Register (Volume 66, No. 162, pages 43850-43851) (hereinafter "the Notice") relative to the Yucca Mountain Preliminary Site Suitability Evaluation (PSSE). The Department of Environmental Quality (DEQ) is responsible for coordinating Virginia's review of federal environmental documents and responding to appropriate federal officials on behalf of the Commonwealth. Accordingly, DEQ coordinated Virginia's review of the Draft EIS on this subject and responded to Ms. Wendy Dixon on February 2, 2000 (DEQ-99-088F, copy attached). The following agencies and regional planning district commission took part in this review:

Department of Conservation and Recreation
Department of Health (Radiological Health Program) *Enclosure 1*
Department of Transportation
Marine Resources Commission
Department of Mines, Minerals, and Energy
Department of Emergency Management
Department of Rail and Public Transportation
Hampton Roads Planning District Commission. *Enclosure 2*

In addition, the following localities were invited to comment:

Louisa County
Surry County.

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Ms. Carol Hanlon
September 20, 2001
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Project Description

The thrust of the Notice is to close a long comment period on the possible recommendation to the President by the Secretary of Energy pertaining to development of the Yucca Mountain site in Nevada as a spent nuclear fuel and high-level nuclear waste geologic repository. This comment period follows an earlier comment period on a Draft Environmental Impact Statement (Draft EIS) for this decision in 1999-2000. The Notice announces three public hearing dates and the availability of the Preliminary Site Suitability Evaluation document, which adds to the information available for public review and comment.

Facilities in Virginia

As the Department of Health indicates, there are two facilities in Virginia that store spent nuclear fuel, besides the two utility plants (Surry Nuclear Power Station and North Anna Nuclear Power Station) mentioned in our review of the Draft EIS. These are the University of Virginia's research reactor in Charlottesville, and a facility operated by BWX Technologies near Lynchburg (about 60 miles southwest of Charlottesville). The University of Virginia's reactor is in the final stages of de-commissioning, and its fuel may already have been transferred.

Implementation of the Nation's policy for disposal of spent fuel and high-level radioactive waste may become crucial to the renewed interest in nuclear power for the generation of electricity. Dominion Generation has announced its intention to renew the DOE licenses for the North Anna and Surry Power Stations for another 20 years.

The Hampton Roads Planning District Commission, which includes Surry County (the home of one of the power plants) in its region, indicates again that the creation of the repository at Yucca Mountain is consistent with local and regional plans.

Recommendation

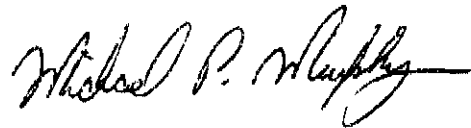
- Enclosure 3
In our February 2, 2000 comments on the Draft EIS, Virginia expressed support for the proposition that having one radioactive waste repository in Yucca Mountain is preferable to storing radioactive materials at numerous sites across the country. We also support any precautionary measures to protect citizens and the natural environment against potential dangers associated with spent nuclear fuel shipment and storage. In this regard, we reiterate our support, expressed in our November 29, 1999 letter (DEQ-99-106F) to the Nuclear Regulatory Commission (NRC), for the re-evaluation of requirements for safeguarding nuclear fuel shipments. That support was based on concerns raised by the Governor of Nevada that the NRC rules for safeguarding spent fuel shipments had not been examined, in light of the threat of terrorism, for more than a decade. We are not aware of any changes in these rules since the Nevada Governor's 1999 petition or our comments in support of it. A re-examination of NRC rules, with appropriate assistance from your agency, would seem to be in order in light of recent events. We strongly encourage your agency and the Nuclear Regulatory Commission to coordinate efforts with the National Advisory Panel to Assess Domestic Response Capabilities for Terrorism.

Ms. Carol Hanlon
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Thank you for the opportunity to review this material. If you have questions, please feel free to call Mr. Charles Ellis of this office (telephone (804) 698-4488) or Mr. Leslie Foldesi of the Department of Health (telephone (804) 786-5932).

Sincerely,



Michael P. Murphy, Director
Division of Environmental Enhancement

Enclosures

cc: The Honorable Annette L. Vietti-Cook, NRC
Leslie P. Foldesi, VDH-RHP
Arthur L. Collins, Hampton Roads PDC
Ronald D. Phillips, DEQ-VRO
Derral Jones, DCR
Arthur Kapell, DEQ-DWPC
James P. Ponticello, DEQ-DAPC
Wendy Kedzierski, DEQ-VWPP
Angel N. Deem, VDOT-EQD
Eugene K. Rader, DMME
Benjamin Stagg, MRC
Brian Iverson, DEM
Leo Bevon, DRPT
Lee Lintecum, Louisa County
Terry D. Lewis, Surry County

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SEP 06 2001

DEQ-Office of Environmental
Impact Review

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COMMONWEALTH of VIRGINIA

Department of Health
RADIOLOGICAL HEALTH PROGRAM
1500 EAST MAIN STREET, ROOM 240
P.O. BOX 2448
RICHMOND, VA 23218

PHONE: (804) 786-5932
FAX: (804) 786-6979

September 4, 2001

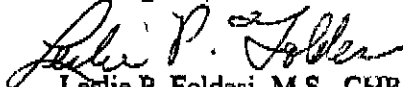
Charlie Ellis
Department of Environmental Quality
Office of Environmental Impact Review
629 East Main Street
Richmond, VA 23219

Dear Mr. Ellis:

I am writing in response to your August 29, 2001 request for comments concerning the Department of Energy (DOE): Yucca Mountain Preliminary Site Suitability (DEQ-01-160F). In addition to my previous comments on November 2, 1999, I will also mention that according to DOE documents, there are two other facilities located in Virginia, besides the two nuclear power stations that have spent fuel. The research reactor at the University of Virginia (UVA), Charlottesville, and a facility operated by BWX Technologies, Inc. near Lynchburg have either spent fuel, or high-level radioactive waste (See enclosure). The UVA reactor is in the final stages of decommissioning and the reactor fuel may have been transferred since the publication of DOE's document.

The implementation of the nation's policy for disposal of spent fuel and high level radioactive waste may become crucial to the renewed interest in nuclear power for the generation of electricity. Dominion Generation has announced its intention to renew the licenses for the North Anna and Surry Nuclear Power Stations for another 20 years. There is also speculation in the popular press that utilities will build new reactors at existing nuclear power stations. A mechanism for disposal of spent fuel needs to be addressed in order for this nation to have a successful nuclear energy program. If you have any questions, please contact me at (804) 786-5932 or by E-mail at LFOLDESI@VDH.STATE.VA.US.

Best regards,


Leslie P. Foldesi, M.S., CHP
Director, Radiological Health

Enclosure

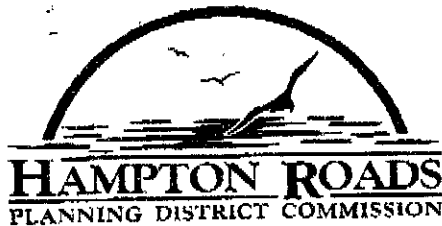
**Current Locations of
Spent Nuclear Fuel and High-Level Radioactive Waste
Destined for Geologic Disposal**

| State | Commercial Reactors ^{1,2,3} | Non-DOE Research Reactors ^{2,4,5,6} | Navy Reactor Fuel ^{4,7} | DOE-Owned Spent Fuel and High-Level Radioactive Waste ^{3,4} | Surplus Plutonium ⁸ |
|-----------------------|---|---|----------------------------------|--|--------------------------------|
| Pennsylvania | Susquehanna 1, 2 (Berwick) Limerick 1, 2 (Pottstown) Peach Bottom 2, 3 (Delta) Three Mile Island 1 (Middletown) Beaver Valley 1, 2 (Shippingport) | Pennsylvania State University (University Park) | | | 550812 |
| Rhode Island | | Rhode Island Atomic Energy Commission (Narragansett) | | | |
| South Carolina | Robinson 2 (Hartsville) Catawba 1, 2 (Clover) Oconee 1, 2, 3 (Seneca) Summer (Parr) | | | Savannah River Site (Aiken) | |
| Tennessee | Sequoyah 1, 2 (Soddy Daisy) Watts Bar (Spring City) | | | Oak Ridge National Laboratory (Oak Ridge) | |
| Texas | Comanche Peak 1, 2 (Glen Rose) South Texas Project 1, 2 (Palacios) | Texas A&M University (2) - AGN-201M - TRIGA (College Station) University of Texas (Austin) | | | |
| Utah | | University of Utah (Salt Lake City) | | | |
| Vermont | Vermont Yankee (Vernon) | | | | |
| Virginia | North Anna 1, 2 (Mineral) Surry 1, 2 (Gravel Neck) BWX Technologies, Inc.** (Lynchburg) (not at-reactor storage) | University of Virginia* (Charlottesville) | | BWX Technologies, Inc. (Lynchburg) | |

*Shutdown reactors with spent nuclear fuel on site

**Fragmentary amounts of commercial fuel stored on site

Locations Table 0100 hqcc.fn7



SEP 11 2001

DEQ-Office of Environmental
Impact Review

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ARTHUR L. COLLINS, EXECUTIVE DIRECTOR/SECRETARY

September 10, 2001

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Jeanno Zudler, *Mayor*

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Sheila S. Noll, *Board Member*
James O. McReynolds, *Acting County Administrator*

Mr. Charlie H. Ellis, III
EIR Program Planner
Department of Environmental Quality
Post Office Box 10009
Richmond, Virginia 23219

Re: Yucca Mountain Preliminary
Site Suitability Evaluation
DEQ #01-160F (ENV:GEN)

Dear Mr. Ellis:

Pursuant to your request of August 29, 2001, the staff of the Hampton Roads Planning District Commission has reviewed the Federal Register notice concerning the possible recommendation by the Secretary of Energy of the Yucca Mountain Site as a repository for spent nuclear fuel and high-level nuclear waste.

Based on this review, we have determined that the comments made in our letter dated December 13, 1999 still apply. A copy of this letter is attached.

We appreciate the opportunity to review this project. If you have any questions, please do not hesitate to call.

Sincerely,

Arthur L. Collins
Executive Director/Secretary

HRV:fh

Attachment

cc: Mr. Terry D. Lewis



DEC 15 1999

ROBERT C. CLAUD, SR., CHAIRMAN • JACK D. EDWARDS, VICE-CHAIRMAN • MYLES E. STANDISH, TREASURER
ARTHUR L. COLLINS, EXECUTIVE DIRECTOR/SECRETARY

December 13, 1999

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William E. Ward, *Mayor*

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Rowland L. Taylor, *City Manager*

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William H. Whiteley, *County Administrator*

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Robert C. Claud, Sr., *Board Member*

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James K. Spore, *City Manager*

WILLIAMSBURG

Jackson C. Tullio, II, *City Manager*
Jeanna Ziegler, *Mayor*

YORK COUNTY

Sheila S. Noll, *Chairman*
Daniel M. Stuck, *County Administrator*

Ms. Ellie L. Irons
EIR Program Manager
Department of Environmental Quality
629 East Main Street
Richmond, Virginia 23219

550812

Re: DEIS for Geologic Repository for
Disposal of Spent Nuclear Fuel and
High-Level Radioactive Waste at
Yucca Mountain, Nevada
DEQ #99-088F (ENV:GEN)

Dear Ms. Irons:

Pursuant to your request of September 1, 1999, the staff of the Hampton Roads Planning District Commission has reviewed the Draft Environmental Impact Statement for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada. We have contacted Mr. Terry D. Lewis, the County Administrator of Surry County, concerning the project.

Based on this review, it appears that the project is consistent with local and regional plans. The County recognizes the need for the permanent waste storage site in Nevada for continued operations of the Surry Nuclear Power Plant. The plant provides an important service to the region in the way of electrical power and employment opportunities. Therefore, the County is in support of the project.

We appreciate the opportunity to review this project. If you have any questions, please do not hesitate to call.

Sincerely,

Arthur L. Collins
Executive Director/Secretary

HRV:fh

cc: Mr. Terry D. Lewis



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COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

James S. Gilmore, III
Governor

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Dennis H. Treacy
Director

(804) 698-4000
1-800-592-5482

John Paul Woodley, Jr.
Secretary of Natural Resources

February 2, 2000

Ms. Wendy R. Dixon
M/S 010
U. S. Department of Energy
Office of Civilian Radioactive Waste Management
Yucca Mountain Site Characterization Office
P. O. Box 30307
North Las Vegas, NV 89036-0307

RE: Draft Environmental Impact Statement for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada proposed by the Department of Energy; DOE/EIS-0250-D; DEQ-99-088F.

Dear Ms. Dixon:

The Commonwealth of Virginia has completed its review of the Draft Environmental Impact Statement (DEIS) concerning the above referenced project. The Department of Environmental Quality is responsible for coordinating Virginia's review of federal environmental documents and responding to appropriate federal officials on behalf of the Commonwealth. The following agencies and planning district commission took part in this review:

Department of Environmental Quality
Department of Conservation and Recreation
Department of Transportation
Department of Emergency Services
Department of Mines, Minerals and Energy
Department of Health
Hampton Roads PDC.

In addition, the Department of Emergency Services, the Department of Rail and Public Transportation, the Marine Resources Commission, Thomas Jefferson Planning District Commission, Surry County, and Louisa County were also invited to comment.

An Agency of the Natural Resources Secretariat

ENCLOSURE 3 8

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Ms. Wendy R. Dixon

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The Draft EIS evaluates the potential environmental impacts that could result from the proposed action to construct, operate and monitor, and eventually close a geologic repository for the disposal of spent nuclear fuel and high-level radioactive waste (currently in storage at 72 commercial and 5 DOE sites across the U.S.) at the Yucca Mountain site. The DEIS analyzes (1) projected impacts on the Yucca Mountain environment of the construction, operation, monitoring, and eventual closure of the geologic repository; (2) the potential long-term impacts of repository disposal of spent nuclear fuel and high-level radioactive waste; (3) the potential impacts of transporting these materials nationally and in the State of Nevada; and (4) the no-action alternative discussed in the DEIS is to continue to store waste at the existing sites instead of at one site in Nevada. There are two facilities in Virginia that would be affected by the proposed repository. The North Anna Nuclear Power Station in Louisa County and the Surry Nuclear Power Station in Surry County currently provide temporary on-site storage for spent nuclear fuel.

In general, reviewers indicated that DOE's proposal to construct a geologic repository for the disposal of spent fuel and high-level radioactive waste at Yucca Mountain in Nevada is a better alternative than the "no-action" alternative requiring the continued storage of these materials at numerous sites across the country. First, it is easier to manage one site than 77 different sites. Second, it would be more cost effective to handle one site. Also, this new site would be designed for permanent storage while storage at the other sites was intended to be temporary.

The Commonwealth of Virginia also reviewed the Federal Register Notice published by the Nuclear Regulatory Commission pertaining to a petition filed by the State of Nevada to amend NRC's regulations governing safeguards for shipment of spent nuclear fuel against sabotage and terrorism. As stated in our November 29, 1999 response to the NRC, Virginia is supportive of any precautionary measures, which serve to protect its citizens, environment, and natural resources against potential danger associated with spent nuclear fuel shipment and storage. Therefore, the Department of Emergency Services, Brian Iverson at (804) 674-2400, and the appropriate localities should be notified prior to the transportation of hazardous materials from or through Virginia. Also, we agree with the recommendation of reviewers that a periodic review of threat levels and an evaluation of tactical response measures may be appropriate.

The Department of Environmental Quality regulates the transport of mixed waste. If radioactive waste is mixed with hazardous waste, a company that is permitted to transport hazardous wastes in Virginia must transport the wastes. DEQ does not currently regulate high- or low-level radioactive wastes. The transportation of hazardous waste must be managed in accordance with all applicable federal, state, and local environmental regulations.

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Ms. Wendy R. Dixon
Page 3

Thank you for the opportunity to review the Draft EIS for this undertaking. For clarification of these comments, contact Ellie Irons at (804) 698-4325. Comments submitted by reviewing agencies are attached.

Sincerely,



Michael P. Murphy, Director
Division of Environmental Enhancement

Enclosures

cc. James P. Ponticello, DEQ-OADA
Steve Frazier, OTAW
Tom Mizell, DEQ-VRO
Sheri Kattan, DEQ-TRO
Ellen Gilinsky, OWPS
Derral Jones, DCR
Tony Watkinson, VMRC
Eugene K. Rader, DMME
Les P. Foldesi, VDH
Kelly S. Coleman, VDOT
Leo Bevon, DRPT
Brian Iverson, DES
Arthur L. Collins, Hampton Roads PDC
Nancy O'Brien, Thomas Jefferson PDC
Terry D. Lewis, Surry County
Jeffrey Lundsford, Louisa County.